IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

CAMERON ROBINSON **PLAINTIFF**

VERSUS **CIVIL ACTION NO.** 1:17cv055-SA-DAS

CITY OF TUPELO, MISSISSIPPI;
LEE COUNTY, MISSISSIPPI;
OFFICER KAITLYN WEEKS, in Her Individual Capacity;
and CAPTAIN TIM BELL, in His Official and
Individual Capacities for Injunctive and
Declaratory Relief Only **DEFENDANTS**

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover damages and declaratory and injunctive relief for violation of constitutional rights. The following facts support the action:

1.

Plaintiff CAMERON ROBINSON is an adult resident citizen of 1025 County Road 681, Saltillo, Mississippi 38866. Plaintiff is African-American.

2.

Defendant CITY OF TUPELO, MISSISSIPPI (hereinafter "Defendant City") is a political subdivision of the State of Mississippi. It may be served with process through its mayor, Jason Shelton, at 71 East Troy Street, Tupelo, Mississippi 38804.

Defendant LEE COUNTY, MISSISSIPPI (hereinafter "Defendant County") is a political subdivision of the State of Mississippi. It may be served with process by service upon its sheriff, Jim

Johnson, at 510 North Commerce Street, Tupelo, Mississippi 38804, and its chancery clerk, Bill Benson, at 200 Jefferson Street, Tupelo, Mississippi 38801.

Defendant KAITLYN WEEKS (hereinafter "Defendant Weeks") is a Tupelo police officer. Defendant Weeks may be served with process at the Tupelo Police Department. She is employed by the City of Tupelo, Mississippi. Defendant Weeks is sued in her individual capacity.

Defendant TIM BELL (hereinafter "Defendant Bell") is a Captain for Defendant City. Defendant Bell may be served with process at the Tupelo Police Department. Defendant Bell is head of the Patrol Division of the Tupelo Department. Because of the qualified immunity doctrine, Defendant Bell is not liable for damages, and is sued in his individual and official capacities for only injunctive and declaratory relief.

3.

This Court has federal question jurisdiction under 28 U.S.C. § 1331, and civil rights jurisdiction under 28 U.S.C. § 1343. All Defendants acted under color of state law. This action is authorized by 42 U.S.C. § 1983.

4.

On December 5, 2016, Plaintiff and Ashley Weichbrodt left their home with their minor children buckled into the backseat. Weichbrodt was driving. Plaintiff was a passenger in the front seat. They were leaving for a medical appointment because their minor children were ill.

5.

Shortly after leaving home, Weichbrodt was stopped by Tupelo Police Officer Sam Guerriere. Officer Guerriere issued Weichbrodt a warning on the ground that a handicap sticker and necklace hanging from the car review mirror were an obstruction of view. Officer Guerriere also issued Weichbrodt a ticket for lack of insurance.

6.

Defendant Weeks, operating her own police vehicle, then approached Plaintiff and requested Plaintiff's identification, which Plaintiff provided. Plaintiff feared the weather would adversely affect his children's health, so he then rolled up his window. When he did so, Defendant Weeks ordered Plaintiff out of the car, handcuffed him, and took him to jail. Plaintiff requested to give his cash to Weichbrodt, so she would have money to pay the children's medical bills, but Defendant Weeks refused Plaintiff's request.

7.

Officer Guerriere complained to her supervisor, Sergeant Brandon Garrett, that Defendant Weeks had improperly intervened in her stop and had improperly taken Plaintiff to jail. Garrett relayed the facts concerning Plaintiff's wrongful arrest to the Captain in charge of the Tupelo patrol unit, Defendant Bell. Defendant Bell instructed Sergeant Garrett to leave Plaintiff in jail.

8.

At the Lee County Jail, a Lee County correctional officer took cash in the amount of $150.00 from Plaintiff and told Plaintiff he could be released only upon paying a cash bail bond of $425.00, which includes a "release" fee of $25.00. Plaintiff raised the cash bail bond, paid it to the Lee County Sheriff's Department, and was released from jail after several hours of incarceration.

9.

Plaintiff requested that the videotape of the arrest be preserved and notified the court he was pleading "Not Guilty" by letter of February 1, 2017, attached hereto as Exhibit "A." Plaintiff also personally filed a complaint with Captain Bell.

10.

When Plaintiff appeared in Tupelo City Court, the City Prosecutor told him the City had "nothing" on him, and he could go. Subsequently, Plaintiff's counsel obtained a court's abstract stating that the charge was remanded to the file. See Exhibit "B." Nevertheless, the fact of Plaintiff's arrest remains a public record.

11.

Plaintiff went to the Lee County Jail in March and requested the return of his cash bond ($425.00) and cash ($150.00). Plaintiff showed the correctional officer the abstract demonstrating the case was remanded to the file. The Lee County deputy told Plaintiff that "we do not give back bail money," but Plaintiff should have received the cash in the mail. Either Defendant City or Defendant County, or an agent of those entities, kept Plaintiff's cash of $150.00 and kept Plaintiff's cash bail bond of $425.00, including a $25.00 release fee. Plaintiff was given a receipt for the cash bond, but was given no receipt for taking his personal cash.

12.

Plaintiff has suffered mental anxiety as a result of Defendants' actions.

13.

Defendants are liable to Plaintiff for the following reasons:

A. Defendant Weeks is liable to Plaintiff for arrest and detention without probable cause in violation of the Fourth Amendment to the United States Constitution;

B. Defendant City is liable for adopting police policies which had the foreseeable effect of causing Plaintiff to be arrested without probable cause. The City of Tupelo's head of police patrol, Defendant Bell, has corrected or reprimanded several officers for failing to give enough tickets, and has justified failures to promote certain officers because of the failure to give enough tickets. There exists no mechanism for protecting citizens from being stopped and/or arrested so officers can meet the City's ticket and arrest goals as established as a policy matter by Defendant Bell. Incentives for officers to make stops, give tickets, and make arrests violate the Fourth Amendment's guarantee against arrests without probable cause and violate the Fourteenth Amendment's guarantee against arbitrary deprivation of liberty;

C. The Defendant City and Defendant County have adopted policies which permit the County and/or City, or their agents, to misappropriate the cash of arrestees and the cash bail bond posted by arrestees. The County and/or City policies which fail to provide for return of an arrestee's cash bail and his own cash property violate the Fourteenth Amendment's guarantee against arbitrary governmental action, violate the Fourth Amendment's guarantee against unreasonable seizure of citizen's property, and violate the Eighth Amendment's guarantee against excessive bail. Any cash bond which is not returned when a defendant appears is "excessive";

D. Officer Guerriere did not ask Defendant Weeks to approach Plaintiff, nor did Officer Guerriere ask Defendant Weeks to assist in the traffic stop. Defendant Weeks' demanding Plaintiff's identification was not "reasonably related to the circumstances justifying the stop," and, thus, violated the Fourth Amendment; and

E. Defendants County and City are liable for extracting and not returning cash bonds and "release" fees from arrestees even though the arrestees have not been convicted of any crime. This constitutes arbitrary governmental action, in violation of the Fourteenth Amendment to the United States Constitution.

REQUEST FOR RELIEF

Plaintiff requests damages in an amount to be determined by a jury, and reasonable attorneys' fees, costs, and expenses. He requests a declaratory judgment and injunctive relief forbidding Defendant Bell and Defendant City from continued operation of the City's arrest and ticket incentive system whereby officers are pressured to maximize arrests, to maximize stops, to maximize tickets, and to meet ticket quotas. Such a system, which proximately caused Plaintiff's arrest, violates the Fourth Amendment.

Plaintiff further requests the City and County to be enjoined to adopt policies whereby arrestees' cash and cash bail bonds will be returned to them upon being released from jail and upon appearing in court.

Further, since Defendant City's arrest and ticket maximization policies caused Defendant Weeks' unlawful conduct, and also because of the indemnification provision of the Mississippi Tort Claims Act, Defendant City should be required to indemnify Defendant Weeks for any damages.

The injunctive relief requested is appropriate under the "capable of repetition yet evading effective review" exception to the mootness doctrine. Should Defendants, however, allege that any part of this claim is moot, then Plaintiff requests leave to amend this case to bring a class action such that mootness will not apply.

RESPECTFULLY SUBMITTED, this the 12th day of April, 2017.

CAMERON ROBINSON, Plaintiff

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